report on political prisoners held in secret detention camps in Chile

March 1977

disappeared prisoners in Chile

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Chile: three years later...

On 11 September 1973 a bloody military coup overthrew the democratically elected government of President Salvador Allende of Chile. The junta that seized power embarked immediately on a program of repression that shocked the world: persecution of government supporters, mass arrests, detention, torture, summary trials and executions.

Amnesty International sent its own delegates to Santiago in November 1973 and published, in September 1974, a report on the first year of the military regime.

Since that time, the violations of human rights denounced in the report have not stopped: arbitrary imprisonment, executions, systematic use of torture and the "disappearance" of political detainees, are the main elements of a dark period in the history of Chile. From 11 September 1973, to date, approximately 100,000 people have been subjected to arrest and detention, more than 5,000 have been executed, and tens of thousands have had to go into exile for political reasons. In the last two years, however, the Chilean government has taken several measures in an effort to improve its image, which had been seriously damaged by its violation of basic human rights.

These measures were:

a)
The introduction of legislation to regulate the procedures for arrest and detention.

b)
Legislation permitting political prisoners sentenced by military courts to opt for exile.

c)
Releases of political prisoners held under the State of Siege.

So far, these measures have not resulted in the cessation of the serious violations of human rights referred to above. The responsibility for these violations lies mainly with DINA (Dirección Nacional de Inteligencia - National Directorate of Intelligence), the major Chilean intelligence service which was created after the coup and which is responsible only to the president of Chile for its actions.

This dossier does not attempt to give comprehensive analysis of the evolution of political imprisonment in Chile following the publication of Amnesty International's report in September 1974. Our objective is more modest: to draw attention to the cases of people known to have been arrested by the Chilean intelligence services (mainly by DINA), whose detention is not recognized by the Chilean authorities, and to ask the Chilean government once again to account for these people known inside Chile as the desaparecidos (the disappeared).

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The situation of political prisoners in Chile early in 1977

On 16 November 1976, the Chilean government announced the release of approximately 300 political prisoners. Shortly afterwards, a further 17 people were released and expelled (one under "exchange" conditions). The Chilean authorities assert that the released and expelled prisoners represent the total (with the exception of one person) held without trial under the country's State of Siege.

In reality, the releases affected only detainees held in the officially recognized prison camps of Tres Alamos and Puchuncavi. Several hundreds of political prisoners are still held in other prisons and detention centers in Chile. The exact figures cannot be ascertained given the characteristics of the repression in that country since the coup of 11 September 1973, and the situation in recent months. However, three categories of political prisoners can be distinguished according to a terminology used officially and unofficially in Chile:

1) Detenidos por el Estado de Sitio (Detainees held under the State of Siege)
Contrary to the official announcement in November 1976, there are still political prisoners being held without trial under the State of Siege in various parts of Chile, especially in provincial prisons.

2) Procesados y Condenados (Prisoners awaiting the completion of their trial and sentenced prisoners)
There are several hundreds of prisoners in this category, despite the release and expulsion of many of them during the last year.

3) Detenidos Desaparecidos (Disappeared prisoners)
A subject of particular urgency and importance to Amnesty International is the fate of more than 1,500 persons arrested by the Chilean intelligence services since the coup of 11 September 1973, and who have since disappeared. They were not included in any of the releases announced by the government. The government refuses to acknowledge the detention of these people despite numerous eye-witness accounts of their arrests and detentions, and, in many cases, the existence of official government documents acknowledging that these individuals are in detention.

Linked with the widespread practice of torture in Chile since the military coup, the practice of disappearances has become more prevalent during the past year. About a quarter of all arrests in Chile reported to Amnesty International in 1976 resulted in the disappearance of the detainee. This practice has not stopped despite the official announcement in November 1976 of the release of all political prisoners held without trial under the country's State of Siege.

Several people who were detained in Santiago in mid-December 1976 have not been heard of since. As for the 1,500 earlier disappearances, the government denies all responsibility. Nevertheless, the relatives and friends of these people, and very reliable sources inside

Chile, have no doubt that they were arrested by the intelligence services and have expressed their concern before the courts and in representations to other authorities.

The object of this dossier

The object of this dossier is to ask the Chilean government to account for more than 1,500 disappeared prisoners. Amnesty International believes that it is the duty of every person and organization in the world concerned with violations of human rights to try to save these prisoners and to halt the phenomenon of "disappearances". The evidence contained in this dossier clearly shows that the responsibility for these disappearances continues to lie with the DINA intelligence service - a political police force specially created after the coup, and accountable only to the president of Chile for its actions.

Until the Chilean authorities give a satisfactory answer to the concrete questions which have been put to them, both from inside and outside Chile, about the disappeared prisoners, Amnesty International holds the view that has been expressed in the following extract from a letter written by a parent of one of the disappeared prisoners:

"Nobody at this moment can be certain that she is dead...
...It is vitally important not to accept this news which effectively cannot be confirmed. It is necessary to ask for the release of these persons whom the DINA is trying to make us believe do not exist".

The problem and the evidence

Introduction

One of the principal aspects of the gross violations of human rights which have occurred in Chile over the past few years is that of the disappearance of detained persons. Amnesty International began to receive reports of disappearances shortly after the military coup d'état in September 1973, and has been receiving them with regularity ever since. Satisfactory explanations have not been forthcoming from the responsible authorities in Chile. Despite continual protests and several independent investigations, the Chilean government has neither taken steps to investigate the disappearances in an official capacity, nor made any serious attempt to offer an explanation of the disappearance of over 1,500 people.

In Chile today, most of the arrests are carried out by DINA (Dirección Nacional de Inteligencia - National Directorate of Intelligence), the regime's political police, which also coordinates and controls the activities of the other intelligence services attached to the armed forces. DINA was set up towards the end of 1973 and its existence was formalized by Decree Law 521 on 18 July 1974. The decree gave DINA complete control over all security matters and the power to make arrests and to keep persons in detention without warrants or any formal order. DINA was made responsible only to the president of the republic of Chile. This of course meant that no authority, not even the commanders of the different military zones of the country, had access to detention centers under the control of DINA. Indeed, at the beginning of 1974, the head of DINA, Colonel Manuel Contreras, was in charge of the notorious detention center in Tejas Verdes. By the end of 1974, the majority of individually documented cases of torture made mention of this center. Many other unofficial detention centers have been and are still being used by DINA. The best-known of these centers is Villa Grimaldi which is located in the outskirts of Santiago, the capital city. This center has a dual purpose: it is one of the DINA centers of operation; additionally, it has served as the main torture center. A detailed description and analysis of the function of Villa Grimaldi is given in the last United Nations report on Chile: Protection of Human Rights in Chile (8 October 1976), see pages 92-96 of this report.

Another DINA detention center described in the same document, in which it is alleged that experiments in torture are carried out, is Colonia Dignidad, near the town of Parral, in Linares Province, approximately 400 kilometers south of Santiago. DINA have often closed down some of these unofficial detention centers when they have become too well-known. Information on the activities of DINA indicates that new unofficial detention centers have been opened recently (see p.17).

The existence of unofficial detention centers provides a possible explanation of the disappearance of people detained by the intelligence services. In fact, a great deal of evidence exists in the form of testimonies from people once detained in these centers who are now free, or have been transferred to recognized official prisons. These individuals have seen, and in some cases been

able to speak with, some of the "disappeared" prisoners.

The existing information:

Amnesty International has over the past few years received several lists of persons arrested since the coup of September 1973, who have since disappeared. These lists total approximately 1,000 individual cases of disappearances, but are not exhaustive since only a portion of all the disappearances which have taken place have been reported to Amnesty International. Given the geographical characteristics of Chile (that is, the communication difficulties between the capital city and distant provincial areas), and the political situation since the military coup, only a part of the population is in a position and willing to give public information about such a sensitive problem as that of the disappearance of persons known to have been arrested and detained by the intelligence services. Most of the information received by Amnesty International relates only to disappearances which took place in and around the capital city, Santiago.

On this basis, therefore, a conservative estimate would be that more than 1,500 political detainees have disappeared in Chile since the military coup.

In approximately 400 of these cases, Amnesty International has received concrete and totally reliable information concerning disappeared prisoners. The information consists of details of their arrest (and, in many cases, details of their detention) and the legal steps taken by their relatives and friends.

Amnesty International's files on disappeared prisoners contain more than 2,000 pages of primary documents.

These documents, which relate to individual cases of disappeared people, provide clear evidence of their arrest and detention by the intelligence services (particularly by members of DINA). Among these documents are the following items:

- testimonies of persons who were eye-witnesses to an arrest or detention;
- copies of official governmental documents which have acknowledged the arrest or detention in certain cases;
- press-cuttings from Chilean newspapers with the same content;
- copies of documentation related to individuals, for example, identity cards, photographs, etcetera.

Despite the existence of this evidence, the government has consistently refused to acknowledge the status of these people as political detainees of the intelligence services.

Some illustrative cases:

Among the mass of evidence relating to the existence of disappeared people as prisoners of the intelligence services, is the case of Dr Bautista Von Schouwen Vasey. He was detained on 13 December 1973. His detention was acknowledged in a letter to the Supreme Court from the Minister of Interior, General Raul Benavides Escobar. However, this acknowledgement was subsequently revoked by the minister with the explanation that his name had been mistaken for that of his brother, Jorge Von Schouwen Vasey, who was in detention. The falsehood of this explanation is demonstrated by the fact that Jorge Von Schouwen was not in prison at the time the minister wrote the letter acknowledging the detention of Dr Bautista Von Schouwen. In addition, the detention of Dr Bautista Von Schouwen was also recognized in El Mercurio (the major Chilean newspaper) in August 1974, and again in October 1975. Further information on this prisoner was reported in May 1975. Nevertheless, the Chilean authorities continue to deny his detention. There have been no formal charges against him although it is clear that his detention is the result of his political activities prior to the military coup, when he was a member of the political commission of the Movimiento de Izquierda Revolucionaria (MIR) - Movement of the Revolutionary Left. At the time of his arrest, according to Amnesty International's information, he was unarmed and did not present any resistance.

Another very notable case is that of David Silberman Gurovich, an engineer and member of the Chilean Communist Party, aged 35. In September 1973, David Silberman was general manager of the nationalized Chuquicamata copper mines, the largest enterprise in Chile, employing 10,000 workers. He was also an advisor to the Central Unica de

Trabajadores de Chile (CUT - Central Chilean Workers' Union).

He was arrested soon after the coup of 11 September 1973 and was tried and sentenced two weeks later by a Consejo de Guerra (military war council) to 13 years imprisonment. After the trial, he was detained in the Penitenciaria de Santiago (Santiago Penitentiary), from where he was removed by officers of the Chilean Air Force on 4 October 1973. For a period of more than 20 days, he was tortured in a secret detention center and then returned to the penitentiary.

One year later, in October 1974, David Silberman was again removed from prison by a military patrol who presented official orders to the prison authorities. A record was made in the prison register and signed by Colonel Orlando Ibañez which stated that the prisoner had been removed from the penitentiary following the receipt of instructions for his transfer.

Three days after his disappearance, the Commander of the Second Division of the Army and Head of the zone of Santiago, General Sergio Arellano Stark, expressed surprise at the removal from prison of David Silberman. Later the same day, he stated that: "No intelligence service had Mr Silberman" and that no public prosecutor had asked for him.

Inquiries concerning the whereabouts of David Silberman were made by the Chilean College of Engineers, the Venezuelan Embassy, the inter-church Comité de Cooperación para la Paz en Chile (Committee for Peace in Chile), and many other groups. The replies of the Military Junta have ranged from statements that he would be returned to prison to allegations that he had escaped.

On 30 October 1974, General Augusto Pinochet gave this latter version to a delegation (including the Rabbi of the Jewish community) which asked him about the case. The same day, an official of SENDET (the government's National Secretariat for Detainees) said that David Silberman was alive and that he would soon be returned to an official prison. Since that time, he has remained "disappeared".

Jacqueline del Carmen Binfa Contreras, a secretary aged 30, was arrested on 27 August 1974. She is one of a group of 119 Chileans whose deaths outside Chile were announced in mid-1975 in several newspapers. In the pages that follow, a detailed account is given of the well-known incidents of 119 disappearances. Since the Chilean government has denied that any of the 119 had ever been arrested, it is relevant to reproduce here an example from among dozens of similar pieces of documentary evidence - extracts from the sworn testimony of a woman who was held in the same Chilean detention center as Jacqueline del Carmen Binfa Contreras. The woman who made this testimony is now in exile.

Sworn testimony

"...Throughout the whole period of my detention, I was held in a room for practically the whole day, where I assumed, because of the movements and the 'lists' which were read out, there were more than 10 male prisoners and two female prisoners...

"...the other female prisoner was Jacqueline Binfa Contreras...My recollections are as follows:

"During the first night of my detention, all the prisoners in the room were taken out in order to remove the chairs so that we could sleep on the floor. First of all, they let the men in and afterwards I heard a guard say: 'We will leave these two girls near the door'. This was my first contact with Jacqueline Binfa when we were trying to keep warm on the floor. I remember her saying: 'Flaca (slim one), take off your coat and cover your feet with it'.

"During the second day in detention, we spent almost the whole day together. We could not talk because it was strictly forbidden. In that way, the first few days went by. At one point, however, she was able to ask me: 'Why have they detained you?'. I replied: 'Because they arrested my husband'. She was able to tell me that she had been detained in the center of Santiago, I think it was near Los Gobelinos (a department store).

"During the next few days, they began to remove my fellow detainees from the room. The guards called out her name: 'Jacqueline Binfa'. I also learned that they even took her out of prison to do some errands. On two occasions, she brought me a sandwich. One day when she returned, she sighed sadly and said: 'It was awful, they made me remain outside my house for a long time, and I wasn't able to see my mother or my brother'.

"After several days in detention, we received permission to go to the bathroom and have a shower. There, we took our blindfolds off, and I was able to see her for the first time. She had short brown hair; she was tall and slim; she looked nervous and was biting her nails. The time we were able to spend

together was very short since, soon afterwards, the guard began to knock on the door in order to make us hurry up.

"Jacqueline Binfa always tried to be near me and I tried to do the same. During the mornings and nights, when they moved the chairs in the room, I would catch her by her jacket so that we wouldn't be separated...

"...Everything I have stated in this testimony is true. I declare it under oath. On thirty occasions, at least, I heard the guards calling my fellow prisoner by the name: "Jacqueline Binfa". From what the guards said and from talking with her, and the details about her which were confirmed by her family, I have no doubt at all that the prisoner who was tied up with me during the fortnight of my imprisonment was Jacqueline Binfa Contreras."

In the three cases detailed above, the arrests took place in the 12 months following the military coup. However, as will be made clear in this dossier, arrests resulting in disappearances have been a continuing phenomenon in Chile since 1973 and are still being carried out by the intelligence services. The following are examples of disappearances which have occurred over the past two years:

Carlos Enrique Lorca Tobar, aged 32, a psychiatrist, ex-representative of the Socialist Party in parliament and ex-member of the board of the university of Chile, was arrested by eight agents of the security forces on 25 June 1975 in a house at Calle Maule No.130, Santiago. On the same occasion, Carolina Modesta Wiff Sepúlveda, a 34-year old social worker, was also arrested. Several persons witnessed the arrest of the two and, in the case of Carlos Lorca Tobar, a recurso de amparo (writ of habeas corpus) was presented to the courts. The arrest of these two persons remains unacknowledged by the government. They illustrate a type of disappearance which has since become more frequent: nothing more has been heard of these people since their arrest.

Bernardo Araya Zuleta and María Olga Flores Barraza de Araya, aged 67 and 61 respectively, are a married couple who, prior to their arrest, were living in Quinteros in Valparaiso Province. Bernardo Araya is a member of the Chilean Communist Party and a former member of parliament. He is also a prominent trade union leader who was the secretary general of the Central Única de Trabajadores (CUT - Central Chilean Workers' Union). Both were arrested on 2 April 1976 in their home. No order was shown or sent later to the family.*

DINA agents detained them along with María Olga's brother and three of the couple's grandchildren, who lived with them. At the same time, their home was thoroughly searched. Again, no warrant was shown. All the prisoners were taken to an unknown place. They were kept blindfolded for a long time; two of the children witnessed the torture of their grandfather. At one stage, they could see him "hanging by the hands and moaning". Their grandmother suffered from nervous shock while in detention, after which she was transferred to her husband's cell. It was the last time the children saw her. On 3 April 1976, at 10.00 p.m., the three children and María Olga's brother were set free, still blindfolded, some five blocks away from the house where they had been arrested. A recurso de amparo (habeas corpus writ) was presented for the couple. In the course of the proceedings, the authorities stated that they were not detained. The present whereabouts of the couple are unknown.

Other prominent members of the Chilean Communist Party were arrested between March and May 1976 and have since disappeared. They include: Victor Manuel Díaz López, José Arturo Weibel Navarrete, Mario Jaime Zamorano Donoso, Jorge Onofre Muñoz Poutays. Despite overwhelming evidence provided by witnesses to the arrests, the authorities deny that these people are in detention.

Several cases of people arrested outside Chilean territory (allegedly on the request of DINA) who have been returned to Chile and have since disappeared have also been reported to Amnesty International. Two examples of such cases (Jorge Fuentes Alarcon and Guillermo Beausire) are described in the brochure (see Case histories, occupations, and partial lists of disappeared prisoners). The evidence of their arrest in neighbouring countries and of their subsequent transfer and "disappearance" in Chile is totally convincing. Similar information (but so far unconfirmed) has been received in the case of Edgardo Enríquez Espinosa,

* According to Supreme Decree 187 of 28 January 1976, warrants for arrest and orders to carry out a search of the house or premises must be shown

arrested in Buenos Aires on 10 April 1976, along with a Brazilian woman, Regina Marcondes. In each of these cases the Chilean government deny the detention on Chilean territory.

The cases previously described are merely typical examples of a widespread practice affecting almost every occupational category of the Chilean population. This is because every category includes people who supported the constitutional government of President Salvador Allende and who disagreed, and continue to disagree, with the military government which overthrew it. Above all, the problem of disappearances affects three particular sectors: workers, peasants and students.

There are disappeared prisoners in all the political categories which supported the previous government; but they also include citizens who did not register in any political party. Many disappeared prisoners are 20 to 30 years old. Some are minors, but elderly people have also disappeared.

Legal and historical report on the situation of disappeared prisoners

This part consists of:

a)
An analysis of the problem of disappearances: This section was extracted and translated by Amnesty International from a longer document produced in Chile in June 1976 by a group of people (including lawyers) dealing with the problem of the disappearance of prisoners. Although this is not an Amnesty International document, we are satisfied as to the accuracy and reliability of this document, which is confirmed by the information in our own files.

b)
Information on disappearances in 1976: This text was compiled on the basis of new evidence received by Amnesty International in recent months. It was prepared to accompany the above document (a) which is up-to-date until June 1976.

Note:
The Comité Pro Paz (Peace Committee) which is mentioned in the report (a) was dissolved by the Chilean government in December 1975. The Vicaría de la Solidaridad (an exclusively Roman Catholic organization, unlike the Comité Pro Paz which was inter-denominational, was created after the closure of the Comité Pro Paz and has carried on similar work, including making representations to the Chilean authorities about prisoners who have disappeared.

a)

ANALYSIS OF THE PROBLEM OF DISAPPEARANCES

1.
The arrests and how they took place

1.1. When the military took over on 11 September 1973, the Junta declared a "State of Siege" throughout the country. What then occurred led to the arrest and detention of many people. The authorities took drastic steps. In some cases they even went so far as arbitrarily executing those who opposed the armed forces and those people they considered had committed offences which warranted execution. Many others were held in detention centers until the authorities had decided their fate. After a period, during which the country became calmer, many detainees were released, never having been actually accused or charged. However, a significant number of people were still held pending trial by military law: by the Consejos de Guerra (War Councils) which had wide powers to impose penalties. But in many cases people arrested by the military or their auxiliary security forces did not appear in any of the places where political prisoners were held. Such was the general confusion during these early months that prisoners' relatives were often unable to find out from officials exactly where the former were. As the months passed, the disquieting truth began to dawn on the prisoners' relatives that it was official policy invariably to deny that their loved ones were being detained; so they began fruitlessly to seek news or information from various organizations and public bodies which had anything to do with prisoners -

Secretaría Nacional de Detenidos (SENDET) - National Secretariat for Detainees, the Intergovernmental Committee on European Migration (ICEM), the Red Cross, the Criminal Investigation Department, the Legal Medical Institute, the law courts, the Ministry of the Interior, the security forces, detention centers, and so forth.

1.2. It would not be true to say that the disappearances of people after the coup really had anything to do with the general situation prevailing when the previous government fell. On the contrary, so long as the state of emergency persists in its various forms (State of Siege for "National Defence" and "National Security", Decree Law 640), DINA (National Directorate of Intelligence, created by Decree Law 521 on 18 July 1974) officers continue to arrest people. The way in which these arrests are being made during this state of emergency is illegal and contrary to the constitution (Article 72, No.17). The general manner in which they are carried out and the similarities in the procedures used are unprecedented. Most arrests are made during curfew hours. Vehicles which cannot be recognized are used and the arresting officers wear plain clothes in order to remain anonymous. They often break into people's houses and intimidate and terrorize the occupants. They break into houses quite indiscriminately and often steal things. They do not produce warrants for people's arrest and detention under the state of emergency from the correct authorities, nor indicate what charges are being brought or who has ordered them to make the arrest. They seldom let detainees know where they are taking them or when their relatives will get any news about them. There have been witnesses to these events who have made sworn statements about what they have seen. Many others have seen those people who subsequently disappeared in prison camps and were with them till they were removed to unknown destinations. These witnesses have also made sworn statements. Then there are cases in which arrests have been reported in the press or in official documents. In some cases the identity of the arresting officer has been revealed. In others the victims voluntarily gave themselves up to the authorities. However, despite the weight of this evidence pertaining to the disappearance of detainees, the Ministry of the Interior invariably denies all knowledge of the arrests. Efforts made to find out the whereabouts of the victims prove to be utterly fruitless.

2.
Actions by the churches and by organizations of relatives

2.1. It is generally known that, in October 1973, various churches and religious groups founded the Comité de Cooperación para la Paz en Chile (Committee for Peace in Chile), a non-sectarian body aiming to achieve peace with justice. The Committee's main work was in helping and defending political prisoners. Naturally, relatives of disappeared persons turned first of all to the Committee for help and legal assistance in their searches. Churches could not refuse these requests for help, so, together with the organizations of relatives, they took various steps to locate the victims. They did the following things:

a)
In practically all the cases they took up, the Comite Pro Paz presented the Court of Appeal with a writ of habeas corpus as a form of protest at the security officers' arrest and illegal detention of the person in question. They asked the authorities to tell them where the latter was being held, immediately to rescind the incommunicado order, and to end the detention which had prompted the appeal. Fortunately, the several hundred appeals lodged between 1973 and 1976 were rejected by the Court of Appeal and the Supreme Court on the grounds that there was insufficient evidence that an arrest had been made, as the Ministry of the Interior denied that the people in question were being held by the authorities. Since it was impossible to discover, for the benefit of the courts, the identity of the officials responsible for the detentions, despite the presentation of verbal and written evidence, the families and their lawyers learnt how inefficient the courts were in discovering the whereabouts of the prisoners who had disappeared.

b)
At the request of the families and of the actual courts that had rejected their writs of habeas corpus, several complaints and accusations were made to

the criminal court judges; an investigation was demanded into the possibility of offences having been committed - illegal arrest, kidnapping, presunta desgracia, disappearances, theft, etcetera. Most of these hearings were held in courts in Santiago, San Bernardo and Pedro Aguirre Cerda. The investigations ordered by the magistrates for the most part revealed that an offence had been committed - that is, it was established that there had been illegal kidnapping - but the identity of those responsible was never stated. This was because the magistrates could never get the necessary information from the security force officials about their staff's behaviour; they would not even answer questions or appear before the magistrates. Nothing useful was achieved by the hearings - as is clear from the fact that, so far, they have produced no definite information about any of the missing people.

c)
Many requests were made to foreign embassies and international organizations to try to get information about people whose disappearance had been deplored in the law courts. The Comité Pro Paz made representations and requests, on behalf of the families, to politicians and officials, in an attempt to get them to help discover the victims' whereabouts and to obtain reliable information about them. As far as is known, none of this proved successful. Moreover, information given by the authorities proved all too often inaccurate or glaringly inconsistent.

d)
One of the Comité's most regular activities on behalf of disappeared persons was to ask the Court of Appeal and the Supreme Court to appoint a special justice (ministro en visita) to investigate the offences committed in the course of arresting those who later disappeared and to sentence the offenders. Together with all these requests, official documents, newspaper reports, witnesses' affidavits and other material was sent, which proved beyond doubt that the arrests and subsequent disappearances had occurred. The timing of these representations was as follows:

1)
28 May 1975 representation, signed by several clergymen, priests, professional people and other individuals.

2)
4 July 1975 representation, signed on behalf of the Comité Pro Paz by the Chilean Catholic Bishop, Fernando Ariztia, and the Chilean Lutheran Bishop, Helmut Frenz. This representation, like the previous one, was about 163 cases.

3)
1 August 1975 representation, signed by bishops and clergymen working for the Comité. This was about 119 people who, according to certain Brazilian and Argentinian newspapers, were killed in incidents abroad.

4)
7 August 1975 representation - a follow-up to No.2 pertaining to 163 cases.

5)
7 August 1975 representation, by several lawyers backing up the one presented previously by the Comité.

6)
5 September 1975 representation, signed by Bishops Ariztia and Frenz, clergymen Stevens and Werner, and the leaders of the Comité. This representation was about 188 people who disappeared after arrest.

7)
5 September 1975 representation, signed by 275 clergymen, priests, monks and nuns, supporting the representation made by the Comité on the same day.

8)
5 September 1975 representation, signed by numerous close relatives of people who disappeared after being arrested. This representation was accompanied by the affidavits of 176 eye-witnesses.

However, all these appeals were rejected by the Supreme Court, even though, in certain cases, the appeals were backed by the President of the Supreme Court and some of his ministers, who believed they should be supported "because of the number of people who have disappeared and the length of time they have been 'missing'". The Supreme Court ignored the legal points and facts included in the representations; it merely advised judges dealing with current indictments to see to it that they "reached a rapid conclusion"; it also ordered that the Supreme Court be given a report on the outcome of these proceedings.

2.2. Clearly, every attempt by the relatives and churches to get some clarification about the disappearances was frustrated. All the writs of habeas corpus were

rejected; the authorities' responses to representations and appeals were negative or inconsistent; the outcome of every trial initiated by criminal court judges proved useless; finally, the repeated requests to the Supreme Court to appoint a special justice were all refused. Early efforts to get information having proved futile, more and more people sought the support of the Church, which was able to sustain the families during their ordeal - families who, despite all their difficulties, refused to give up hope that they would get information about a missing relative.

3.
The case of the 119 people allegedly found dead abroad, and other relevant cases

3.1. While the actions described above were being taken, something happened which highlighted the unfortunate situation of the missing persons' relatives. From 12 July 1975 on, reports appeared in Las Ultimas Noticias and El Mercurio that "official spokesmen" had announced that two leaders of the Movimiento de Izquierda Revolucionaria (MIR) - Movement of the Revolutionary Left - political organization, Luis Alberto Guendelman and Jaime Robotham, had been assassinated in Buenos Aires and their bodies found riddled with bullets in a car. It was suggested in these reports that there was an MIR plot to send their Chilean members, with forged papers, to get military training in Argentina. Some days later, the national press started to reprint reports from the Argentinian newspaper, Lea, which stated that 60 Chilean MIR members had been eliminated during the past three months "by their own comrades" in Argentina, Colombia, Venezuela, Panama, Mexico and France. A few days later, the press quoted another foreign publication, O'dia, of Curitiba in Brazil. A new list had appeared in this paper of 59 Chileans who had been killed as a result of a confrontation with the Argentinian forces near Salta. According to these lists, a total of 119 Chileans had been killed abroad. The ensuing press campaign and way of reporting these events was a cruel blow to those who had been trying in vain for months to get some information about the people named in these lists. Curiously, all the national newspapers treated these reports in Lea and O'dia as quite reliable and used them to discredit the protests about disappearances, concerning which representations had been made to the Chilean courts, and which they claimed had been intended to damage the government's reputation. Close study of the lists in the press of allegedly dead Chileans calls into question the veracity of these reports.

a)
Both Jaime Robotham and Luis Guendelman, the first alleged victims of "execution" abroad, were, according to witnesses, arrested in Santiago. Writs of habeas corpus had been submitted on their behalf. Their relatives went to Argentina, then made official statements that the bodies they were shown were not those of their sons. The identification papers found on the bodies, shown them by the Argentinian police, were false. In addition, there were no official death certificates.

b)
In almost all the 119 cases, writs of habeas corpus had been submitted attributing the arrests to DINA officers. In 87 cases, arrests had been witnessed by people who had made sworn statements to that effect.

c)
115 of the 119 names had featured in the representation made by the Comité Pro Paz to the Supreme Court in July 1975 on behalf of 163 people. It was strange that, in several instances, the same grammatical errors and misspelt surnames occurred - suggesting that Lea and O'dia had used, in their reports, the lists submitted in the petition to the Supreme Court.

d)
An investigation conducted by the Latin News Agency revealed that both Lea of Buenos Aires and O'dia of Curitiba were papers with no circulation in their own countries and no representatives, and that only a few issues had been printed.

e)
In a number of cases, accounts of people killed in confrontations with the Argentinian police are contradicted by official documents admitting arrests had been made in Chile; for instance, the cases of Barbara Uribe Tamblay and Edwin Van Jurick Altamirano. In both these cases, the Minister of Foreign Affairs had, on 18 August 1974, informed the British Embassy that the two were in "preventative detention pending investigations and were in good health". The

case of Cecilia Castro Salvadores was similar: the same Minister informed the Embassy of the Federal Republic of Germany, on 8 April 1975, that she was being held in Tres Alamos prison camp for having broken the State of Siege law.

In one case, there was a striking error in the list published by O'dia on 25 June 1975. It included Francisco Eduardo Aedo Carrasco; yet, on 18 February 1976, the government informed the Inter-American Commission on Human Rights that "he was released on 24 July 1975". This means that, at the time when Aedo Carrasco was reported to have died in the Salta incident, he was actually, according to official sources, in prison in Chile.

Obviously, all this was misleading information which added to the general confusion and uncertainty; the alleged assassinations, executions and confrontations seemed a plausible explanation of the disappearance of so many Chileans. The shock and indignation expressed in the foreign press was reflected in Chilean magazines and newspaper editorials. They demanded an immediate explanation of facts, which they described as a "plot" to tarnish the government image abroad. This again raised the question not yet answered by the authorities: where were the hundreds of people who had disappeared after being arrested by anonymous DINA officers?

3.2. The case of the 119 alleged assassinations or "executions" abroad of those people who were being sought in Chile demonstrated the gravity of the question ceaselessly being put to the authorities. New cases cropped up so full of obvious contradictions that it became practically impossible to believe that the Ministry of the Interior could go on denying that DINA officers had been arresting people. There is a brief account of 340 carefully selected cases in which the evidence that arrests were made is indisputable. We list here several examples: Jaqueline Drouilly was arrested at her home on 6 August 1974. According to a document published by the International Committee of the Red Cross, they visited her that same year, on 20 November, in Tres Alamos camp. Later she vanished and has not been heard of since. Antonio Cabezas Quijada was arrested in August 1974 by DINA. On 17 August, SENDET (in an official report verified by an International Committee of the Red Cross official) confirmed that he had been arrested. His whereabouts are still unknown. The Ministry of the Interior persistently denies that he was ever arrested. On 4 October 1974, David Silberman Gurovich was taken away from Santiago prison, where he was serving a 13-year sentence imposed by the Calama Consejo de Guerra (Council of War). He was removed by officers in uniform who produced a warrant issued by DINA. Not a word has been heard of him since. The case of conscript Carlos Carrasco Matus deserves mention. He was arrested on 14 March 1975. On 6 May, the Santiago garrison's commanding officer confirmed that he was in detention; yet he has disappeared without trace. Horacio Neftali Caravantes Olivares was arrested with his wife in January 1975 by DINA officers. This information was on a certificate issued by the commander of the Maipo regiment in Valparaiso. There were persistent denials that the arrest had been made. Finally, so weighty was the evidence that, in July 1975, DINA stated in a confidential document, No.12-F-247, that this person "had been held in protective custody as his life was at stake, and that he was now free in some place of his own choice". To this day, his closest relatives do not know where he is.

There are many more disquieting cases in which evidence of arrests is denied by the authorities.

4.
Official reaction to disappearances

4.1. The steady increase in protests concerning the disappearance of people arrested, and the alarm generated both in Chile and abroad, provoked a variety of official government reactions.

a)
On 20 August 1975, President Augusto Pinochet made a speech from the balcony of the government building in Plaza de Armas. He referred to the 119 people said to have been "executed" in Argentina, and implied that this news was being used to attack the government and was part of a campaign to give a false impression about Chile. He went on to say that the government had called for an official investigation, including an investigation

in Chile itself, since "this is another way of attacking us, always trying to create trouble and give Chile a bad name".

b)

On 5 August 1975, the daily paper, El Mercurio, reported that the Minister of the Interior had ordered an investigation into the disappearances in Argentina.

c)

Unfortunately, the government gave inconsistent responses to appeals by families. Sometimes they told them that the missing people were on the lists published by Lea and O'dia - thus giving the reports of the latter credibility. At other times, they maintained that the arrest never took place, but suggested that the missing people had gone secretly to Argentina to engage in subversive activities. By saying this, they linked the disappearances with the deaths of Chileans in Argentina as reported in Lea and O'dia.

d)

The most significant official response to the post-arrest disappearances of Chileans was the Chilean government's October 1975 report to the United Nations Commission on Human Rights, entitled "The present human rights situation in Chile". There is a special section in this report on the disappearances, together with appendices. The report was presented by the Chilean delegate, Sergio Diez. He said that the Chilean government had displayed "great concern and had ordered a thorough investigation of the facts".

e)

Finally, the President of the Supreme Court's speech at the opening of the 1976 judicial session should be mentioned, as it, too, was an official reaction to protests about the disappearances. He devoted part of it to the Comité Pro Paz' representations, and said that the special investigators' reports revealed that many people had been released, others brought to trial, and that some had quit the country. Careful study of the statement made by the President of the Supreme Court shows that he does not really answer the questions put by the Comite; the disappearances deplored by the latter remain unexplained.

4.2. It is understandable that official reactions are precise and clear when they involve denials that people are actually being detained, even when such denials contradict earlier official statements. But the authorities are less clear when trying to explain what has happened to so many Chileans who have disappeared. Initially, the national newspapers carried sensational reports of the extermination of "extremists" abroad. By so doing, they sought to discredit those who were submitting writs of habeas corpus or petitioning for an investigation. The surprise and indignation felt about these alleged deaths, both in Chile and abroad, prompted a modification of newspaper editorials; they started referring to a "plot" to denigrate the government and tarnish its image. The President and other officials talked in these terms; but they kept on denying there were disappearances - this phenomenon that had never before occurred in the country's history. Nevertheless, investigations were promised, the results of which are not yet known. At the United Nations inquiry, the government denied having violated human rights or that people had disappeared after having been arrested by DINA. They referred to an investigation of 768 cases of people "presumed missing". In Chile, nothing is known about these cases; the families concerned have not been notified and are still waiting for a satisfactory reply from the authorities. The continued refusal by the legal authorities to appoint one special justice to handle all disappearance cases - instead, they are spread among the criminal courts - demonstrates that the investigations initiated by the magistrates failed to reveal the fate of the missing persons. Despite the extreme gravity of the situation, the government did not respond to it at all adequately. Considering how long all this has been going on and how many disappearances there have been, an official statement about the matter is vital.

Amnesty International postscript to the above report

5.
Representations to the courts and statements made by the authorities
New developments after June 1976

5.1. New representations made by the Vicaría de la Solidaridad

On 20 August 1976, the Vicaría de la Solidaridad made a new representation to the Supreme Court, asking for the nomination of a special justice to investigate the disappearance of 383 persons whose cases were described in a very long and detailed document.

On 13 October 1976, the Supreme Court rejected the petition from the Vicaría de la Solidaridad.

On 20 October 1976, the Vicaría de la Solidaridad again presented the same document which had been presented on 20 August 1976. It included an additional 40 documented cases. Again, the Supreme Court's answer was negative.

On 16 November 1976, the Chilean government announced the release of all political prisoners detained under the State of Siege. However, none of the persons named in the lists of disappeared prisoners which were presented by the Vicaría de la Solidaridad in August and October 1976 appeared on the lists of prisoners to be released in the November 1976 liberation.

Some of the arguments used by the Supreme Court to reject the representations made to it by the Vicaría de la Solidaridad have been:
a)
Eleven of the persons figuring on the list of disappeared prisoners presented by the Vicaría de la Solidaridad were detained in regular and official detention camps in accordance with the State of Siege.
b)
There was a repetition of the same names in the lists of disappeared persons presented by the Vicaría de la Solidaridad.
c)
There was no necessity to appoint a special justice to deal with the problem, because the common criminal courts were already investigating the cases of disappeared persons.

In a new representation made on 24 December 1976, the Vicaría de la Solidaridad answered these arguments and included in their reply a more detailed analysis of the problem and new documentation. On this occasion, the Vicaría de la Solidaridad stated:
a)
None of the 11 persons named in official statements as being held under the State of Siege were named in the lists of disappeared prisoners presented by the Vicaría de la Solidaridad.
b)
There was no repetition of names in the lists of disappeared prisoners presented by the Vicaría de la Solidaridad in August and October 1976.
c)
There was a necessity for appointing a special justice to deal with the problem on the grounds that the courts which were currently dealing with the cases were faced with diverse and numerous limitations and complications when they tried to investigate the cases.

In conclusion, in the representation of 24 December 1976, the Vicaria de la Solidaridad once again asked the Supreme Court to appoint a special justice to handle the problem of disappeared prisoners.

5.2 The October 1976 report of the United Nations Ad Hoc Working Group on Chile and the Chilean government's reply

On 8 October 1976, the Ad Hoc Working Group on Chile of the United Nations Commission on Human Rights presented to the General Assembly of the United Nations a new report on the situation of human rights in Chile.

Sections of this report dealt with the problem of disappeared prisoners in Chile; included in the annexes were lists of disappeared persons.

The Chilean government replied to the report in two documents (dated 27 October and 28 October 1976), which did not present any new information concerning the case of the 119 disappearances, and which denied the arrest of most of the persons named in the United Nations report.

The General Assembly of the United Nations then adopted a resolution on human rights in Chile (countries in favour: 95; countries against: 12; countries abstaining: 25). In one section of the resolution, the General Assembly called on the Chilean government to clarify the status of individuals whose disappearance was attributable to political reasons.

b)

INFORMATION ON DISAPPEARANCES IN 1976

1.
Some figures

From 1 January to 30 September 1976, approximately 500 detentions for political reasons were reported to Amnesty International. Approximately one quarter of those detained (that is, more than 100 individuals) have since disappeared. May and August 1976 were the worst months for detention resulting in disappearance. It should be noted that only part of all the arrests made in Chile in 1976 were reported to Amnesty International, and that the figures quoted above deal mainly with the arrests which took place in the area of Santiago, the capital city.

During arrests, warrants from a competent authority are not displayed, nor are relatives informed of the place to which the detainee will be taken. When arrests occur in a detainee's home, security officers usually act in clear numerical superiority to the number of inhabitants of the household and display arms.

Arrests which are not made in the presence of witnesses (for example, in the street), have increased over recent months (especially in August 1976). In this manner, the security service, DINA, hopes to leave no trace of the arrested person.

2.
Trends

Since May 1975, in particular with the promulgation of decree laws intended to regulate the arrest and detention of political prisoners (for example, Decree Laws 1008 and 1009, Decree Law 504 and Supreme Decree 187), the liberation of groups of political prisoners (in May and June 1976, September 1976 and November 1976), and the decrease in detentions during certain months, hopes were raised that the human rights situation in Chile would improve. However, these hopes were frustrated by the situation which developed in later months. When the facts are analyzed over a longer period of time, it can be seen that there has not been a decisive improvement in the condition of human rights in Chile.

The changes, which can be seen most clearly, consist of tentative actions on the part of the Chilean authorities to improve their image both outside and inside Chile. A parallel development has been the adoption on the part of the intelligence services, in particular by DINA, of methods, which, although not new, have become increasingly more common:

- arrests for short periods of time;
- the use of threats, intimidation and force against ex-detainees or their families;
- most important, the technique of disappearances and assassination.

3.
Political executions

In recent months, many bodies have been discovered in different parts of the country, in rivers, on beaches and in ravines. They have exhibited certain similar characteristics to those of the bodies which have been found in the rivers and on the beaches of Uruguay and Argentina in recent months. The bodies

have shown signs of mutilation, especially of the fingers and hands, and many appear to have been bound with wire. The Chilean press has provided a wide coverage of these facts, attributing the crimes to "sadists and maniacs", and has announced repeatedly that those responsible would be identified or were "on the point of being captured". However, nothing of this nature has occurred up to the present time.

Bodies with the above mentioned characteristics have been found particularly in the River Maipo, in its tributaries and in irrigation canals near the capital city of Santiago. One body was also found in the vicinity of Guayacan, where, since the early summer of 1976, it appears that a DINA interrogation center has been in existence. It has been impossible to identify many of the bodies. The most notable cases of identified bodies are those of Carmelo Soria and Marta Ugarte:

Carmelo Soria

A Spanish citizen, official of CELADE (Latin America Center for Demography), a United Nations organization in Santiago, he disappeared on 14 July 1976 and was found, dead, the following day. Under the Allende government, Carmelo Soria had worked for the publishing house Editorial Quimantu which had official government sponsorship. His body and car were found in circumstances which did not lend credibility to the official theory that his death was the result of a car accident or suicide. Apparently, just prior to his death, Carmelo Soria and his family had been kept under constant surveillance, presumably by members of DINA.

Marta Ugarte

A teacher who had been employed under the Allende government in the Departamento de Juntas de Abastecimiento y Precios (Department of Local Centers for the Distribution and Supply of Basic Commodities), her body was found on 12 September 1976 (approximately one month after her disappearance) on a beach to the north of Valparaiso. The body showed marks of severe torture and there was a wire bound around the throat.

4.

Secret detention camps

In recent months, unconfirmed reports have been circulating concerning the possible location of detainees in secret camps. One of the characteristics of disappearances in 1976, contrary to those of previous years, was the small number of testimonies from people who have seen disappeared prisoners after their arrest. Recently, however, reports have filtered through about new secret detention centers and descriptions have been received of people held there which have fitted persons who have disappeared and whose arrests have been denied by the authorities. The time between the date of detention of Marta Ugarte and the date on which her body was found is another element which appears to indicate the existence of secret camps.

The hope of the relatives of the disappeared prisoners that they are still alive is supported by facts. Their recent appeal to the Chilean authorities, which is contained in this dossier, should, therefore, receive the most widespread support from people all over the world.